

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

NORFOLK SOUTHERN RAILWAY
COMPANY,

Plaintiff,

v.

PREMIUM COAL COMPANY, INC.,

Defendant.

NO. 5:12-cv-01253-JMC

**Stipulation of Voluntary
Dismissal Under Fed. R. Civ.
P. 41(1)(A)(ii)**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated by and between counsel for plaintiff Norfolk Southern Railway Company and counsel for defendant Premium Coal Company, Inc., that the above-captioned action, and all claims contained therein, are dismissed with prejudice. Each party is to bear its own costs and attorneys' fees.

Respectfully submitted:

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Dated: May 2, 2013

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2013, a copy of the foregoing Stipulation of Dismissal was filed electronically with the Clerk of the Court for the United States District Court for the District of South Carolina in accordance with the local rules using the CM/ECF system, which will send notification of such filing to the following:

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